

## Agricultural Marketing Service, USDA

## § 1260.175

cents to producers who waive any right to the refund of the assessment credited by the State due pursuant to this subpart, then any producer subject to such State law or regulation who pays only the amount due pursuant to such State law or regulation and this subpart, including any credits issued, shall thereby waive that producer's right to receipt from the Board of a refund of such assessment for that portion of such refund for which the producer received credit pursuant to such State law or regulation.

(b) *Importer assessments.* (1) Importers of cattle, beef, and beef products into the United States shall pay an assessment to the Board through the U.S. Customs Service, or in such other manner as may be established by regulations approved by the Secretary.

(2) The assessment rates for imported cattle, beef, and beef products are as follows:

Live Cattle	Assessment
0102.10.00103 .....	\$1.00/hd
0102.10.00201 .....	\$1.00/hd
0102.10.00309 .....	\$1.00/hd
0102.10.00504 .....	\$1.00/hd
0102.90.20004 .....	\$1.00/hd
0102.90.40206 .....	\$1.00/hd
0102.90.40402 .....	\$1.00/hd
0102.90.40607 .....	\$1.00/hd

  

Beef and Beef Products	Assessment	
	cents/lb	cents/kg
0201.10.00103 .....	.77	1.697542
0201.10.00906 .....	.20	0.440920
0201.20.20009 .....	.28	0.617288
0201.20.40005 .....	.27	0.595242
0201.20.60000 .....	.20	0.440920
0201.30.20007 .....	.28	0.617288
0201.30.40003 .....	.27	0.595242
0201.30.60008 .....	.27	0.595242
0202.10.00102 .....	.77	1.697542
0202.10.00905 .....	.20	0.440920
0202.20.20008 .....	.28	0.617288
0202.20.40004 .....	.27	0.595242
0202.20.60009 .....	.20	0.440920
0202.30.20006 .....	.28	0.617288
0202.30.40002 .....	.27	0.595242
0202.30.60007 .....	.27	0.595242
0206.10.00000 .....	.20	0.440920
0206.21.00007 .....	.20	0.440920
0206.22.00006 .....	.20	0.440920
0206.29.00009 .....	.20	0.440920
0210.20.00002 .....	.35	0.771610
1601.00.40003 .....	.25	0.551150
1601.00.60204 .....	.25	0.551150
1602.50.05004 .....	.35	0.771610
1602.50.09000 .....	.35	0.771610
1602.50.10203 .....	.35	0.771610
1602.50.10409 .....	.35	0.771610
1602.50.20201 .....	.37	0.815702

Beef and Beef Products	Assessment	
	cents/lb	cents/kg
1602.50.20407 .....	.37	0.815702
1602.50.60006 .....	.38	0.837748

(3) The Board may prescribe by regulation, with the approval of the Secretary, an increase or decrease in the level of assessments for imported beef and beef products based upon revised determinations of live animal equivalencies.

(4) The assessments due upon imported cattle, beef and beef products shall be remitted to the Customs Service upon importation of the cattle, beef or beef products into the United States, or in such other manner as may be provided by regulations prescribed by the Board and approved by the Secretary.

(c) The collection of assessments pursuant to §1260.172 (a) and (b) shall begin with respect to cattle purchased or cattle, beef, and beef products imported on and after the effective date of this section and shall continue until terminated by the Secretary.

(d) Money remitted pursuant to this subpart shall be in the form of a negotiable instrument made payable as appropriate to the qualified State beef council or the "Cattlemen's Beef Promotion and Research Board." Such remittances and the reports specified in §1260.201 shall be mailed to the location designated by the Board.

[51 FR 26138, July 18, 1986, as amended at 53 FR 52631, Dec. 29, 1988 and 54 FR 15918, Apr. 20, 1989; 54 FR 28019, July 5, 1989]

### § 1260.173–1260.174 [Reserved]

### § 1260.175 Late-payment charge.

Any unpaid assessments due to the Board pursuant to §1260.172 shall be increased 2.0 percent each month beginning with the day following the date such assessments were due. Any remaining amount due, which shall include any unpaid charges previously made pursuant to this section, shall be increased at the same rate on the corresponding day of each month thereafter until paid. For the purposes of this section, any assessment that was determined at a date later than prescribed by this subpart because of a person's failure to submit a report to

## § 1260.176

## 7 CFR Ch. XI (1–1–06 Edition)

the Board when due shall be considered to have been payable by the date it would have been due if the report had been filed when due. The timeliness of a payment to the Board shall be based on the applicable postmark date or the date actually received by the qualified State beef council or Board, whichever is earlier.

### § 1260.176 Adjustment of accounts.

Whenever the Board or the Department determines that money is due the Board or that money is due any person from the Board, such person shall be notified of the amount due. The person shall then remit any amount due the Board by the next date for remitting assessments as provided in § 1260.172. Overpayments shall be credited to the account of the person remitting the overpayment and shall be applied against amounts due in succeeding months except that the Board shall make prompt payment when an overpayment cannot be adjusted by a credit.

### § 1260.181 Qualified State beef councils.

(a) Any beef promotion entity that is authorized by State statute or is organized and operating within a State, that receives assessments or contributions from producers and conducts beef promotion, research, consumer information and/or industry information programs may apply for certification of qualification so that producers may receive credit pursuant to § 1260.172(a)(3) for contributions to such organization. The Board shall review such applications for certification and shall make a determination as to certification of such applicant.

(b) In order for the State beef council to be certified by the Board as a qualified State beef council, the council must:

(1) Conduct activities as defined in § 1260.169 that are intended to strengthen the beef industry's position in the marketplace;

(2) Submit to the Board a report describing the manner in which assessments are collected and the procedure utilized to ensure that assessments due are paid;

(3) Certify to the Board that such council will collect assessments paid on cattle originating from the State or unit within which the council operates and shall establish procedures for ensuring compliance with this subpart with regard to the payment of such assessments;

(4) Certify to the Board that such organization shall remit to the Board assessments paid and remitted to the council, minus authorized credits issued to producers pursuant to § 1260.172(a)(3), by the last day of the month in which the assessment was remitted to the qualified State beef council unless the Board determines a different date for remittance of assessments.

(5) [Reserved]

(6) Certify to the Board that the council will furnish the Board with an annual report by a certified public accountant of all funds remitted to such council pursuant to this subpart and any other reports and information the Board or Secretary may request; and

(7) Not use council funds collected pursuant to this subpart for the purpose of influencing governmental policy or action, or to fund plans or projects which make use of any unfair or deceptive acts or practices including unfair or deceptive acts or practices with respect to the quality, value or use of any competing product.

[51 FR 26138, July 18, 1986, as amended at 60 FR 58502, Nov. 28, 1995]

## REPORTS, BOOKS AND RECORDS

### § 1260.201 Reports.

Each importer, person marketing cattle, beef or beef products of that person's own production directly to consumers, and each collecting person making payment to producers and responsible for the collection of the assessment under § 1260.172 shall report to the Board periodically information required by regulations prescribed by the Board and approved by the Secretary. Such information may include but is not limited to the following:

(a) The number of cattle purchased, initially transferred or which, in any other manner, is subject to the collection of assessment, and the dates of such transaction;